

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MESSIAH MATTHEW BOOKER,

Plaintiff,

- against -

**SUFFOLK COUNTY CORRECTIONAL
FACILITY and C.O. PAUL FIUME,
Badge # 1202,**

Defendants.

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

2:14-CV-05204 (AMD) (SJB)

ANN M. DONNELLY, United States District Judge:

On September 3, 2014, the *pro se* plaintiff, Messiah Matthew Booker, brought this action against defendants Paul Fiume and the Suffolk County Correctional Facility alleging that corrections officers assaulted him and violated his rights while he was incarcerated. (ECF No. 1.) On November 10, 2014, the plaintiff asked the Court to stay his case until he was released from custody (ECF No. 13), which the Court granted. (ECF No. 15.) The defendants have not been able to contact the plaintiff since April of 2018. (ECF No. 29.) It appears that the plaintiff was released from custody in May of 2019, but he has not appeared for any status conferences or responded to any of the Court's orders. After repeated attempts to contact the plaintiff, on October 17, 2019, Judge Bulsara ordered the plaintiff to update the Court regarding his whereabouts, and warned that failure to comply could result in sanctions, including the dismissal of his case. On February 13, 2020, Judge Bulsara recommended in a comprehensive report and recommendation that the case be dismissed for failure to abide by court orders and failure to

prosecute. (ECF No. 38.) No objections have been filed to the report and recommendation, and the time for doing so has passed.

A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). To accept those portions of the report and recommendation to which no timely objection has been made, “a district court need only satisfy itself that there is no clear error on the face of the record.” *Jarvis v. N. Am. Globex Fund L.P.*, 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (quotation marks omitted).

I have carefully reviewed Judge Bulsara’s thoughtful report and recommendation and find no error. Accordingly, I adopt the report and recommendation in its entirety and order that the complaint be dismissed with prejudice pursuant to Rules 16(f), 37(b), and 41(b) of the Federal Rules of Civil Procedure.

SO ORDERED.

s/Hon. Ann M. Donnelly

Ann M. Donnelly
United States District Judge

Dated: Brooklyn, New York
April 10, 2020